

By: Van de Putte

S.B. No. 1159

A BILL TO BE ENTITLED

AN ACT

relating to tuition and fee exemptions for certain military personnel and their dependents.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 54.341, Education Code, is amended by amending Subsections (a), (a-2), (b), (e), (k-1), (l), (m), and (n) and adding Subsection (a-4) to read as follows:

(a) The governing board of each institution of higher education shall exempt the following persons from the payment of tuition, dues, fees, and other required charges, including fees for correspondence courses but excluding general deposit fees, student services fees, and any fees or charges for lodging, board, or clothing, provided the person seeking the exemption currently resides in this state or resides outside of this state due to the person's military assignment or the military assignment of the person's spouse and entered the service at a location in this state, declared this state as the person's home of record in the manner provided by the applicable military or other service, or would have been determined to be a resident of this state for purposes of Subchapter B at the time the person entered the service:

(1) all nurses and honorably discharged members of the armed forces of the United States who served during the Spanish-American War or during World War I;

(2) all nurses, members of the Women's Army Auxiliary

1 Corps, members of the Women's Auxiliary Volunteer Emergency
2 Service, and all honorably discharged members of the armed forces
3 of the United States who served during World War II except those who
4 were discharged from service because they were over the age of 38 or
5 because of a personal request on the part of the person that the
6 person be discharged from service;

7 (3) all honorably discharged men and women of the
8 armed forces of the United States who served during the national
9 emergency which began on June 27, 1950, and which is referred to as
10 the Korean War; and

11 (4) all persons who were honorably discharged from the
12 armed forces of the United States after serving on active military
13 duty, excluding training, for more than 180 days and who served a
14 portion of their active duty during:

15 (A) the Cold War which began on the date of the
16 termination of the national emergency cited in Subdivision (3);

17 (B) the Vietnam era which began on December 21,
18 1961, and ended on May 7, 1975;

19 (C) the Grenada and Lebanon era which began on
20 August 24, 1982, and ended on July 31, 1984;

21 (D) the Panama era which began on December 20,
22 1989, and ended on January 21, 1990;

23 (E) the Persian Gulf War which began on August 2,
24 1990, and ends on the date thereafter prescribed by Presidential
25 proclamation or September 1, 1997, whichever occurs first;

26 (F) the national emergency by reason of certain
27 terrorist attacks that began on September 11, 2001; or

1 (G) any future national emergency declared in
2 accordance with federal law.

3 (a-2) The exemptions provided for in Subsection (a) also
4 apply to the spouse of:

5 (1) a member of the armed forces of the United States:

6 (A) who was killed in action;

7 (B) who died while in service;

8 (C) who is missing in action;

9 (D) whose death is documented to be directly
10 caused by illness or injury connected with service in the armed
11 forces of the United States; or

12 (E) who became totally and permanently disabled
13 or meets the eligibility requirements for individual
14 unemployability [~~for purposes of employability~~] according to the
15 disability ratings of the Department of Veterans Affairs as a
16 result of a service-related injury; or

17 (2) a member of the Texas National Guard or the Texas
18 Air National Guard who:

19 (A) was killed since January 1, 1946, while on
20 active duty either in the service of this state or the United
21 States; or

22 (B) is totally and permanently disabled or meets
23 the eligibility requirements for individual unemployability [~~for~~
24 ~~purposes of employability~~] according to the disability ratings of
25 the Department of Veterans Affairs, regardless of whether the
26 member is eligible to receive disability benefits from the
27 department, as a result of a service-related injury suffered since

1 January 1, 1946, while on active duty either in the service of this
2 state or the United States.

3 (a-4) Subsection (a-2) or (b) applies only if the member of
4 the armed forces of the United States entered the service at a
5 location in this state, declared this state as the person's home of
6 record in the manner provided by the applicable military or other
7 service, or would have been determined to be a resident of this
8 state for purposes of Subchapter B at the time the person entered
9 the service. The member is not required to meet any other
10 requirements of Subsection (a).

11 (b) The exemptions provided for in Subsection (a) also apply
12 to:

13 (1) the children of members of the armed forces of the
14 United States:

15 (A) who are or were killed in action;

16 (B) who die or died while in service;

17 (C) who are missing in action;

18 (D) whose death is documented to be directly
19 caused by illness or injury connected with service in the armed
20 forces of the United States; or

21 (E) who became totally and permanently disabled
22 or meet the eligibility requirements for individual
23 unemployability [~~for purposes of employability~~] according to the
24 disability ratings of the Department of Veterans Affairs as a
25 result of a service-related injury; and

26 (2) the children of members of the Texas National
27 Guard and the Texas Air National Guard who:

1 (A) were killed since January 1, 1946, while on
2 active duty either in the service of their state or the United
3 States; or

4 (B) are totally and permanently disabled or meet
5 the eligibility requirements for individual unemployability [~~for~~
6 ~~purposes of employability~~] according to the disability ratings of
7 the Department of Veterans Affairs, regardless of whether the
8 members are eligible to receive disability benefits from the
9 department, as a result of a service-related injury suffered since
10 January 1, 1946, while on active duty either in the service of this
11 state or the United States.

12 (e) The exemption from tuition, fees, and other charges
13 provided for by this section does not apply to a person who at the
14 time of registration is entitled to receive educational benefits
15 under federal legislation that may be used only for the payment of
16 tuition and fees if the value of those benefits received in a
17 semester or other term is equal to or exceeds the value of the
18 exemption for the same semester or other term. If the value of
19 federal benefits that may be used only for the payment of tuition
20 and fees and are received in a semester or other term does not equal
21 or exceed the value of the exemption for the same semester or other
22 term, the person is entitled to receive both those federal benefits
23 and the exemption in the same semester or other term. A person who
24 is entitled for a semester or other term to receive more than one
25 type of federal benefit that may be used only for the payment of
26 tuition and fees may choose which benefit to apply for that semester
27 or other term. The extent to which an exemption under this section

1 applies to the person shall be based on the value of the federal
2 benefit or benefits the person chooses to use for that semester or
3 other term. The combined amount of the federal benefit or benefits
4 that may be used only for the payment of tuition and fees and that
5 are received in a semester or other term plus the amount of the
6 exemption received in that [~~a~~] semester or other term may not exceed
7 the cost of tuition and fees for that semester or other term.

8 (k-1) The procedures under Subsection (k) must provide:

9 (1) the manner in which a person may waive the
10 exemption;

11 (2) the manner in which a child may be designated to
12 receive the exemption;

13 (3) a procedure permitting the designation of a
14 different child to receive the exemption if the child previously
15 designated to receive the exemption did not use the exemption under
16 this section for all of the assigned portion of credit hours; [~~and~~]

17 (4) a method of documentation to enable institutions
18 of higher education to determine the eligibility of the designated
19 child to receive the exemption; and

20 (5) a procedure permitting a person who waived the
21 exemption and designated a child to receive the exemption to revoke
22 that designation as to any unused portion of the assigned credit
23 hours.

24 (1) To be eligible to receive an exemption under Subsection
25 (k), the child must:

26 (1) be a student who is classified as a resident under
27 Subchapter B when the child enrolls in an institution of higher

1 education; ~~and~~

2 (2) make satisfactory academic progress in a degree,
3 certificate, or continuing education program as determined by the
4 institution at which the child is enrolled in accordance with the
5 policy of the institution's financial aid department, except that
6 the institution may not require the child to enroll in a minimum
7 course load; and

8 (3) be 25 years of age or younger on the first day of
9 the semester or other academic term for which the exemption is
10 claimed.

11 (m) For purposes of this section, a person is the child of
12 another person if ~~[the person is 25 years of age or younger on the~~
13 ~~first day of the semester or other academic term for which the~~
14 ~~exemption is claimed and]~~:

15 (1) the person is the stepchild or the biological or
16 adopted child of the other person; or

17 (2) the other person claimed the person as a dependent
18 on a federal income tax return filed for the preceding year or will
19 claim the person as a dependent on a federal income tax return for
20 the current year.

21 (n) The Texas Higher Education Coordinating Board by rule
22 shall prescribe procedures by which a child designated to receive
23 an exemption under Subsection (k) who suffered from a severe
24 illness or other debilitating condition that affected the child's
25 ability to use the exemption before reaching the age described by
26 Subsection (1)(3) ~~[(m)]~~ may be granted additional time to use the
27 exemption corresponding to the time the child was unable to use the

1 exemption because of the illness or condition.

2 SECTION 2. (a) The changes in law made by this Act by
3 amending Section 54.341(a), Education Code, and by adding Section
4 54.341(a-4), Education Code, apply immediately.

5 (b) Except as provided by Subsection (a) of this section,
6 the changes in law made by this Act to Section 54.341, Education
7 Code, apply beginning with tuition and fees for the 2013 fall
8 semester. Tuition and fees for a term or semester before the 2013
9 fall semester are covered by the law in effect immediately before
10 the effective date of this Act, and the former law is continued in
11 effect for that purpose.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2013.